

REMARKS/ARGUMENTS***Brief Summary of Status***

Claims 1-35 are pending in the application.

Claims 26-32 are allowed.

Claims 1-25 and 33-35 are rejected.

35 U.S.C. § 112

3. In the above-referenced office action, the Examiner asserts the following:

“Claims 11, 18, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is indefinite because the claim recites the limitation "within a communication device" it is unclear if the claim includes the communication device or the claim is merely reciting intended use. Claims 18 and 25 are similar to claim 11 and are also rejected under 35 U.S.C. 112 second paragraph.” (office action, Part of Paper No./Mail Date 20051020, p. 2)

35 U.S.C. § 101

4. In the above-referenced office action, the Examiner asserts the following:

“Claims 1 to 25 and 33 to 35 are rejected under 35 U.S.C. 101 because

Claims 1, 12 and 19, although the claims state a decoder in the preamble, the claims as presented appears as a decoder with a series of functional blocks with their intended functionality and does not refer to a hardware per se. Therefore the claims are directed to software rather than hardware.

Claim 33 appears to be directed to a mathematical process and thus it is an abstract idea.” (office action, Part of Paper No./Mail Date 20051020, p. 2-3)

35 U.S.C. § 112

3. In the above-referenced office action, the Examiner asserts the following:
“Claims 11, 18, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is indefinite because the claim recites the limitation "within a communication device" it is unclear if the claim includes the communication device or the claim is merely reciting intended use. Claims 18 and 25 are similar to claim 11 and are also rejected under 35 U.S.C. 112 second paragraph.” (office action, Part of Paper No./Mail Date 20051020, p. 2)

The Applicant respectfully traverses.

The Applicant has amended claims 11, 18, and 25.

In view of the above mentioned amendments, the Applicant respectfully believes that claims 11, 18, and 25 do particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As such, the Applicant respectfully requests that the Examiner withdraw the rejections to claims 11, 18, and 25 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

35 U.S.C. § 101

4. In the above-referenced office action, the Examiner asserts the following:
“Claims 1 to 25 and 33 to 35 are rejected under 35 U.S.C. 101 because

Claims 1, 12 and 19, although the claims state a decoder in the preamble, the claims as presented appears as a decoder with a series of functional blocks with their intended functionality and does not refer to a hardware per se. Therefore the claims are directed to software rather than hardware.

Claim 33 appears to be directed to a mathematical process and thus it is an abstract idea.” (office action, Part of Paper No./Mail Date 20051020, p. 2-3)

The Applicant respectfully traverses.

The Applicant has amended claims 1 to 25 and 33 to 35.

With respect to claims 1-25 and 33-35, the Applicant respectfully believes that many of the various terms employed within the claims including apparatus, m-bit symbol metric computer, symbol node calculator, bit node calculator, check node operator, hard limiter, syndrome calculator, min†- processor , and min*- processor correspond to various embodiment of apparatus (i.e., hardware) type components.

The Applicant respectfully asserts that the various hardware components claimed herein can be implemented using a shared processing device, individual processing devices, or a plurality of processing devices. Moreover, the Applicant respectfully believes that the various hardware components claimed can be implemented within distributed hardware components or integrated hardware components without departing from the scope and spirit of the invention.

The Applicant respectfully believes that Applicant's use of these types of terms such as "computer", "calculator", "operator", "processor", and other component limitations communicate that the subject matter as claimed by the Applicant corresponds to hardware components within independent claims 1, 12, 19, and 33.

Moreover, the Applicant has amended the preamble of each of the independent claims 1, 12, 19, and 33 to indicate the hardware type characteristics thereof. Each of independent claims 1, 12, 19, and 33 claims subject matter of an apparatus, respectively.

Moreover, the Applicant also respectfully asserts for the record that each of the independent claims 1, 12, 19, and 33 correspond to an apparatus, and as such the subject matter each of the independent claims 1, 12, 19, and 33 corresponds to at least one hardware component.

The Applicant respectfully believes that claims 2-11, being further limitations of the subject matter as claimed in claim 1, either directly or interveningly through other dependent claims, are also allowable

The Applicant respectfully believes that claims 13-18, being further limitations of the subject matter as claimed in claim 12, either directly or interveningly through other dependent claims, are also allowable.

The Applicant respectfully believes that claims 20-25, being further limitations of the subject matter as claimed in claim 19, either directly or interveningly through other dependent claims, are also allowable.

The Applicant respectfully believes that claims 34-35, being further limitations of the subject matter as claimed in claim 33, either directly or interveningly through other dependent claims, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the rejections to claims 1 to 25 and 33 to 35 under 35 U.S.C. 101.

The Applicant respectfully believes that claims 1-35 are in condition for allowance and respectfully requests that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present patent application.

RESPECTFULLY SUBMITTED,

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